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International Traffic in Arms

LAWS AND REGULATIONS
ADMINISTERED BY THE SECRETARY OF STATE
GOVERNING THE INTERNATIONAL TRAFFIC IN
ARMS, AMMUNITION, AND IMPLEMENTS OF
WAR AND OTHER MUNITIONS OF WAR

THE DEPARTMENT OF STATE

International Traffic in Arms

**LAWS AND REGULATIONS
ADMINISTERED BY THE SECRETARY OF STATE
GOVERNING THE INTERNATIONAL TRAFFIC IN
ARMS, AMMUNITION, AND IMPLEMENTS OF
WAR AND OTHER MUNITIONS OF WAR**

Third Edition



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INTRODUCTORY STATEMENT

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war.

The President's proclamation of April 10, 1936, however, which is set forth under section II of this pamphlet, does not become effective until June 1, 1936. Until that date, the President's proclamation of September 25, 1935, continues to govern the manufacture, exportation, and importation of arms, ammunition, and implements of war, pursuant to the terms of section 2 of the joint resolution of Congress approved by the President August 31, 1935.

Although licenses are not required before June 1, 1936, for the export or import of arms, ammunition, and implements of war which are not enumerated in the President's proclamation of September 25, 1935, but which are enumerated in the President's proclamation of April 10, 1936, applications for licenses for the export or import of such articles will be received and acted upon by the Secretary of State before that date in order to obviate delay and inconvenience to exporters and importers.

May 1, 1936.

(v)

INTERNATIONAL TRAFFIC IN ARMS

LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR

Section I

SECTION 2 OF THE JOINT RESOLUTION APPROVED BY THE PRESIDENT
AUGUST 31, 1935

Section 2 of the joint resolution approved by the President on August 31, 1935, reads as follows:

“That for the purposes of this Act—

“(a) The term ‘Board’ means the National Munitions Control Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State;

“(b) The term ‘United States’ when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

“(c) The term ‘person’ includes a partnership, company, association, or corporation, as well as a natural person.

“Within ninety days after the effective date of this Act, or upon first engaging in business, every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, and implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

“Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, and implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$500, and upon receipt of such fee the

Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment of each renewal of a fee of \$500.

"It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this Act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this Act without first having obtained a license therefor.

"All persons required to register under this section shall maintain, subject to the inspection of the Board, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Board shall prescribe.

"Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"The Board shall be called by the Chairman and shall hold at least one meeting a year.

"No purchase of arms, ammunition, and implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

"The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this Act, and full information concerning the licenses issued hereunder.

"The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

"This section shall take effect on the ninetieth day after the date of its enactment."

Section 7 of the same joint resolution reads as follows:

"In every case of the violation of any of the provisions of this Act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Section II

THE PRESIDENT'S PROCLAMATION OF APRIL 10, 1936

The President's proclamation of April 10, 1936, made pursuant to the final paragraph of section 2 of the joint resolution of August 31, 1935, reads as follows:

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
"A PROCLAMATION

"WHEREAS section 2 of a joint resolution of Congress, entitled 'JOINT RESOLUTION Providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, provides in part as follows:

" 'The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section',

"NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after June 1, 1936, be considered arms, ammunition, and implements of war for the purposes of section 2 of the said joint resolution of Congress:

"Category I

"(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

"(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

"(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

"(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above; propellants with a web thickness of .015 inch or greater for the projectiles of the arms enumerated under (3) above;

“(5) Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge;

“(6) Tanks, military armored vehicles, and armored trains.

“Category II

“Vessels of war of all kinds, including aircraft carriers and submarines.

“Category III

“(1) Aircraft, assembled or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2), below;

“(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

“Category IV

“(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

“(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

“Category V

“(1) Aircraft, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

“(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

“(3) Aircraft engines, assembled or unassembled.

“Category VI

“(1) Livens projectors and flame throwers;

“(2) Mustard gas (dichlorethylsulphide), lewisite (chlorovinyldichlorarsine and dichlorodivinylchlorarsine), ethyldichlorarsine, methyldichlorarsine, ethyliodoacetate, brombenzylcyanide, diphenolchlorarsine, and dyphenolcyanoarsine.

“This proclamation shall supersede the proclamation of September 25, 1935, entitled ‘Enumeration of Arms, Ammunition and Implements of War’, on June 1, 1936.

“IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

“DONE at the City of Washington this tenth day of April in the year of our Lord nineteen hundred and thirty-six, [SEAL] and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

“By the President:

“CORDELL HULL

“Secretary of State.”

Section III

GENERAL REGULATIONS

In compliance with that paragraph of section 2 of the joint resolution approved August 31, 1935, which requires the Secretary of State to promulgate such rules and regulations with regard to the enforcement of that section as he may deem necessary to carry out its provisions, the Secretary of State promulgates the following regulations:

(1) All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's proclamation of April 10, 1936, shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's proclamation of April 10, 1936. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

REGISTRATION NUMBER

(Not to be filled in by the applicant)

United States of America

DEPARTMENT OF STATE

APPLICATION FOR REGISTRATION

For Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, and Implements of War, Pursuant to Section 2 of the Joint Resolution of Congress Approved by the President August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person)

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the ~~manufacture~~
 (importation) of arms, ammunition, or implements of war. (Strike
 out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The
 articles manufactured, imported, or exported shall be listed under the following categories in precisely
 the same terms in which they are listed in the President's proclamation of April 10, 1936.)

Category I

Category II

Category III

Category IV

The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of April 10, 1936, which are manufactured, imported, or exported by the undersigned.

----- (Signature)
 (If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this ----- day of -----, 19-----.

----- (Notary public)

The registration fee of \$500 is transmitted herewith in the form of ~~certified check~~
 (money orders) -----
 (Checks should be made payable to the order of the Secretary of State.)

----- (Perforation)

REGISTRATION NUMBER

----- (Not to be filled in by the applicant)

United States of America

DEPARTMENT OF STATE

CERTIFICATE OF REGISTRATION

For Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, and Implements of War, Pursuant to Section 2 of the Joint Resolution of Congress Approved by the President August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person)

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the ~~manufacture~~ ~~importation~~ ~~exportation~~ of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of April 10, 1936.)

Category I

Category II

Category III

Category IV

Category V

Category VI

(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved August 31, 1935, and has paid the required registration fee of \$500. This certificate is valid for a period of 5 years from _____

FOR THE SECRETARY OF STATE:

By _____

(SEAL)

(2) Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee of \$500 in the form of money orders or a certified check. Checks should be made payable to the order of the Secretary of State.

(3) Upon receipt of an application for registration, and the appended certificate of registration, duly filled out and accompanied by a registration fee of \$500, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.

(4) Every person registered shall notify the Secretary of State of any change in the list of arms, ammunition, and implements of war which he manufactures, exports, or imports, and, upon such notification, the Secretary of State will issue to such person an amended certificate of registration free of charge, which will remain valid until the date of expiration of the original certificate issued to him.

(5) The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 2 of the joint resolution.

(6) Shippers and forwarding agents who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who may make or receive occasional shipments of such articles as the agents of persons who are engaged in this business, will not be considered as exporters or importers of arms, ammunition, or implements of war within the meaning of section 2 of the joint resolution.

(7) The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as "The National Firearms Act" (48 Stat. 1236), approved by the President June 26, 1934. This act imposes certain taxes and restrictions upon the manufacture of, importation of, and commerce in certain firearms which are defined as "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition." Rules and regulations for the enforcement of this act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(8) No person not registered under section 2 shall export or import any of the arms, ammunition, or implements of war listed in the

President's proclamation of April 10, 1936. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.

DEPARTMENT OF STATE

United States of America

APPLICATION FOR LICENSE TO EXPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

(Application to be made in duplicate) **ORIGINAL**

APPLICANT'S REGISTRATION NO. -----	(Insert here name of country of destination)	LICENSE NO. (For official use only)
------------------------------------	--	--

GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment to any one consignee and may cover more than one commodity, but may not cover shipments to more than one country.
- (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
- (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Commodities appearing under (6) below should be listed under the same categories and in the same terms as they appear in the President's proclamation of April 10, 1936, unless they are not covered by this proclamation.
- (e) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the articles exported only, and should not include such supplementary costs as packing, freight, etc.
- (f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- (g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
- (h) When countersigned and impressed with the seal of the Department of State this application becomes a license.

DEPARTMENT OF STATE,
Washington, D. C.(1) Date of application.....
(2) Applicant's Reference No.....

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant..... By..... (To be signed in ink)

(4) Consignee in foreign country. { Name.....
Address: Street..... City..... Nationality.....
State or province.....
Country.....

(5) Purchaser in foreign country. { Name.....
Address: Street..... City..... Nationality.....
State or province.....
Country.....

(6) Commodity and quantity thereof (to be listed as indicated under instruction (d))	(7) Number of articles	(8) Approximate weight	(9) Approximate value

(10) State the specific purpose for which the material is required.....

(11) License to be sent to.... { Name.....
Address: Street..... City..... State.....(12) Consignor in United States.... { Name..... Nationality.....
Address: Street..... City..... State.....
[Nature of business]

License is hereby granted to the applicant mentioned herein to export from the United States of America to..... the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is subject to revocation without notice.

Shipment must be made from port of exit within 4 months from date of this license as given below under the seal of the Department.

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

Description	Quantity	Number of articles	Value	Port of exit	Date	Name of officer

Date of license ----- (For official use only)

(When countersigned and impressed with the seal of the Department of State this application becomes a license.)

FOR THE SECRETARY OF STATE:

By -----

(For official use only)

DEPARTMENT OF STATE

United States of America

APPLICATION FOR LICENSE TO IMPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

(Application to be made in duplicate)

ORIGINAL

APPLICANT'S REGISTRATION NO. -----	(Insert here name of country of origin)	LICENSE NO. (For official use only)
------------------------------------	---	--

GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment imported and may cover more than one commodity, but may not cover shipments from more than one country.
- (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
- (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Commodities appearing under (6) below should be listed under the same categories and in the same terms as they appear in the President's proclamation of April 10, 1936.
- (e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- (f) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts of Congress.
- (g) When countersigned and impressed with the seal of the Department of State this application becomes a license.

DEPARTMENT OF STATE,
Washington, D. C.

(1) Date of application
(2) Applicant's Reference No.

The undersigned hereby applies for license to import the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant..... By
 (To be signed in ink)

(4) Consignor in foreign country { Name.....
 Address { Street..... State or province

(5) Seller in foreign country { Name..... Nationality

{ City..... Country

{ Street..... State or province

{ City..... Country

(6) Commodity and quantity thereof (to be listed as indicated under instruction (d))	(7) Number of articles	(8) Approximate weight	(9) Approximate value
--	------------------------	------------------------	-----------------------

(10) State the specific purpose for which the material is required

.....

.....

.....

(11) License to be sent to { Name.....
 Address: Street City State

{ Name..... Nationality

(12) Consignee in United States { Address: Street City State

{ Nature of business

License is hereby granted to the applicant mentioned herein to import into the United States of America from the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is **subject to revocation without notice**.
 Shipment must be received at the port of entry within 4 months from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.

Description	Quantity	Number of articles	Value	Port of entry	Date	Name of officer

Date of license
 (For official use only)

(When countersigned and impressed
 with the seal of the Department of State
 this application becomes a license.)

FOR THE SECRETARY OF STATE:

By

(For official use only)

(9) The Secretary of State will issue import licenses to all applicants who have duly filled out an application for license, provided that, in case the articles to be imported are firearms, as enumerated in the National Firearms Act of June 26, 1934, referred to under (7) above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.

(10) The Secretary of State will issue export licenses to all applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party. (See sections V, VI, VII, and VIII below.)

(11) No alterations may be made, except by the Department of State, in export or import licenses which have been issued under the seal of the Secretary of State.

(12) Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

(13) The country designated on the application for license to export as the country of destination should in each case be the country to which the shipment is consigned, unless the shipment is merely passing in transit through the country to which it is consigned. In this case,

the country designated on the bill of lading as the country of ultimate destination should be given on the export license as the country of destination.

(14) The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

(15) Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel.

(16) Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods.

(17) Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 2 of the joint resolution.

(18) Arms, ammunition, and implements of war which are more than one hundred years old will not be considered as arms, ammunition, or implements of war within the meaning of section 2 of the joint resolution.

(19) Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 2 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Secretary of the Treasury under the National Firearms Act of June 26, 1934, referred to in (7) above, as may be applicable in the premises.)

(20) Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 2 of the joint resolution.

(21) Arms, ammunition, and implements of war which are shipped or transported from a port of the United States for the exclusive use of the armed forces of the United States will not be considered as exported within the meaning of section 2 of the joint resolution.

(22) Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 2 of the joint resolution. An export license must be obtained, however, before such articles are reexported.

(23) Airplanes flown or shipped from the United States will not be considered as exported within the meaning of section 2 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of April 10, 1936, in any foreign country. Should the owners, after the departure of a plane flown or shipped from the United States without an export license, propose to place the plane under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the plane or any of the essential parts referred to in any foreign country, the plane, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Airplanes of American registry returning to the United States from foreign countries and airplanes of foreign registry entering the United States for a temporary sojourn will not be considered as imported within the meaning of section 2 of the joint resolution.

Section IV

RECORDS OF MANUFACTURE, EXPORT, AND IMPORT

The National Munitions Control Board prescribes that all persons required to register under section 2 of the joint resolution approved August 31, 1935, shall maintain, subject to the inspection of the duly authorized agents of the Board or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

Section V

SPECIAL PROVISIONS IN REGARD TO MILITARY SECRETS

Title I of an act approved June 15, 1917, reads in part as follows:

"Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years"

The Secretary of State will not issue an export license to cover the shipment of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act.

Section VI

SPECIAL PROVISIONS IN REGARD TO NAVAL ARMAMENT

The Treaty for the Limitation of Naval Armament, concluded at Washington February 6, 1922, contains the following provisions in regard to the international traffic in vessels of war:

"ARTICLE XV.

"No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement."

"ARTICLE XVIII.

"Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power."

The Secretary of State will not issue an export license to cover the exportation of a vessel of war constructed in violation of article XV, or for any vessel of war, the exportation of which would be in violation of article XVIII.

Section VII

SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO CHINA, CUBA,
HONDURAS, AND NICARAGUA

A joint resolution of Congress approved January 31, 1922, reads as follows:

“ . . . That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

“SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both.”

Pursuant to the authority conferred by this joint resolution, a Presidential proclamation, which is still in effect, was issued on March 4, 1922, in respect to China, as follows:

“BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
“A PROCLAMATION

“WHEREAS, Section I of a Joint Resolution of Congress, entitled a ‘Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes,’ approved January 31, 1922, provides as follows:

“That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.’

“And whereas, it is provided by Section II of the said Joint Resolution that ‘Whoever exports any arms or munitions of war in violation of section 1 shall on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both.’

“Now, therefore, I, Warren G. Harding, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China

such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

"And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

"And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

"DONE at the City of Washington this fourth day of March in the year of our Lord one thousand nine hundred and [SEAL] twenty-two and of the Independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

"By the President:

"HENRY P. FLETCHER

"*Acting Secretary of State.*"

Similar Presidential proclamations, which are still in effect, were issued on March 22, 1924, in respect of Honduras; on September 15, 1926, in respect of Nicaragua; and on June 29, 1934, in respect of Cuba.

In accordance with the authority conferred upon him in these proclamations, the Secretary of State announces that the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of April 10, 1936, will be permitted only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.

The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

The exportation to the International Settlement in Shanghai of the arms, ammunition, and implements of war listed in the President's proclamation of April 10, 1936, will be permitted only when indents from the Shanghai Municipal Police covering the shipment in question have been presented to the Department of State.

In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

"The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries."

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of April 10, 1936:

(1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.

(5) Explosives as follows: Explosive powders of all kinds for all purposes; nitrocellulose; diphenylamine; trinitrotoluene; tetryl; dynamite of all kinds; nitroglycerine; ammonal; ammonium picrate; alkaline nitrates (including ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; picric acid; and acetones.

(6) Tear gas ($C_6H_5COCH_2Cl$) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.

No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of April 10, 1936.

In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section VIII

SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO ETHIOPIA
AND ITALY

The President, on February 29, 1936, issued a proclamation as follows:

“BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

“A PROCLAMATION

“WHEREAS section 1 of a joint resolution of Congress, entitled ‘JOINT RESOLUTION Providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war’, approved August 31, 1935, provides as follows:

“*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon the outbreak or during the progress of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country.

“The President, by proclamation, shall definitely enumerate the arms, ammunition, or implements of war, the export of which is prohibited by this Act.

“The President may, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

“Whoever, in violation of any of the provisions of this section, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, shall be fined not more than \$10,000 or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., title 22, secs. 238-245).

“In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

“When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same and the provisions hereof shall thereupon cease to apply.

“Except with respect to prosecutions committed or forfeitures incurred prior to March 1, 1936, this section and all proclamations issued thereunder shall not be effective after February 29, 1936.”

“AND WHEREAS section 1 of a joint resolution of Congress extending and amending the joint resolution approved August 31, 1935, which was approved February 29, 1936, provides as follows:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the joint resolution (Public Resolution Numbered 67, Seventy-fourth Congress) approved August 31, 1935, be, and the same hereby is, amended by striking out in the first section, on the second line, after the word “assembled” the following words: “That upon the outbreak or during the progress of war between”, and inserting therefor the words: “Whenever the President shall find that there exists a state of war between”; and by striking out the word “may” after the word “President” and before the word “from” in the twelfth line, and inserting in lieu thereof the word “shall”; and by substituting for the last paragraph of said section the following paragraph: “except with respect to offenses committed, or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937.””

“AND WHEREAS my proclamation of October 5, 1935, issued pursuant to section 1 of the joint resolution approved August 31, 1935, declared that a state of war unhappily existed between Ethiopia and the Kingdom of Italy.

“NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution as amended by the joint resolution of Congress approved February 29, 1936, do hereby proclaim that a state of war unhappily continues to exist between Ethiopia and the Kingdom of Italy; and I do hereby admonish all citizens of the United States or any of its possessions and all persons residing or being within the territory or jurisdiction of the United States or its possessions to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States or its possessions to Ethiopia or to the Kingdom of Italy, or to any Italian possession, or to any neutral port for transshipment to, or for the use of, Ethiopia or the Kingdom of Italy.

“And I do hereby declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

“Category I

“(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

“(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

“(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

“(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles or forgings for such projectiles for the arms enumerated under (3) above; propellants with a web thickness of .015 inch or greater for the projectiles of the arms enumerated under (3) above;

“(5) Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge;

“(6) Tanks, military armored vehicles, and armored trains.

“Category II

“Vessels of war of all kinds, including aircraft carriers and submarines.

“Category III

“(1) Aircraft, assembled or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

“(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

“Category IV

“(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

“(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

“Category V

“(1) Aircraft, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

“(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

“(3) Aircraft engines, assembled or unassembled.

“Category VI

“(1) Livens projectors and flame throwers;

“(2) Mustard gas (dichlorethylsulphide), lewisite (chlorovinyl-dichlorarsine and dichlorodivinylchlorarsine), ethyldichlorarsine, methyldichlorarsine, ethyliodoacetate, brombenzylecyanide, diphenolchlorarsine, and dyphenolcyanoarsine.

“And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

“And I do hereby delegate to the Secretary of State the power of prescribing regulations for the enforcement of section 1 of the said

joint resolution of August 31, 1935, as amended by section 1 of the joint resolution of Congress approved February 29, 1936, and as made effective by this my proclamation issued thereunder.

"And I do hereby revoke my proclamation of October 5, 1935, concerning the export of arms, ammunition, and implements of war to Ethiopia and Italy, which was issued pursuant to the terms of section 1 of the joint resolution of Congress approved August 31, 1935, provided, however, that this action shall not have the effect of releasing or extinguishing any penalty, forfeiture or liability incurred under the aforesaid proclamation of October 5, 1935; and that the said proclamation shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

"DONE at the city of Washington this 29 day of February, in the year of our Lord nineteen hundred and thirty-six, and [SEAL] of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

"By the President:

"CORDELL HULL

"Secretary of State."

No export licenses will be issued for shipments destined to Ethiopia or Italy or any Italian possession of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of February 29, 1936.

By virtue of the power delegated to the Secretary of State to prescribe regulations for the enforcement of section 1 of the joint resolution of August 31, 1935, as extended and amended by section 1 of the joint resolution of Congress approved February 29, 1936, and of the President's proclamation issued thereunder, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war enumerated in the President's proclamation to present convincing evidence that they are not destined to Ethiopia, Italy, or Italian possessions and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section IX

SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF TIN-PLATE SCRAP

The act of Congress approved February 15, 1936, entitled "AN ACT To provide for the protection and preservation of the domestic sources of tin" reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the interest of national defense, it is hereby declared to be the policy of Congress

and the purpose and intent of this Act to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

"SEC. 2. There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

"SEC. 3. Any violations of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment of not more than one year, or by both such fine and imprisonment."

On February 16, 1936, the President issued an Executive order as follows:

"EXECUTIVE ORDER

"TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF THE DOMESTIC SOURCES OF TIN

"WHEREAS section 2 of an act of Congress approved February 15, 1936, entitled 'AN ACT To provide for the protection and preservation of the domestic sources of tin', provides:

"There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.'

"NOW, THEREFORE, I, FRANKLIN DELANO ROOSEVELT, President of the United States, acting under and by virtue of the authority vested in me by the aforesaid act, do hereby delegate to the Secretary of State as Chairman of the National Munitions Control Board the power to grant licenses for the exportation of tin-plate scrap upon such conditions and under such regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity, and as he may prescribe by and with the advice and consent of the Board.

FRANKLIN D ROOSEVELT

"THE WHITE HOUSE,
"February 16, 1936."

In virtue of the authority vested in him by the Executive order of February 16, 1936, the Secretary of State by and with the advice and consent of the National Munitions Control Board prescribed on April 4, 1936, the following regulations:

(1) For the purpose of the act the term "tin-plate scrap" is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (1) the manufacture of tin plate, or (2) the manufacture of tin-bearing articles from tin plate. As thus defined, the term "tin-plate scrap" does not include tin-plate waste waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

(2) No export licenses for tin-plate scrap will be issued between April 16 and July 1, 1936.

(3) Blank forms of application for export licenses similar to that printed below will be furnished by the Secretary of State on request.

DEPARTMENT OF STATE

United States of America

APPLICATION FOR LICENSE TO EXPORT TIN-PLATE SCRAP

(Application to be made in duplicate)

ORIGINAL

(Insert here name of country of destination) **LICENSE NO.** (For official use only)

GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment to any one consignee.
- (b) Applications should be typewritten, with the exception of signature which should be written in ink.
- (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- (e) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
- (f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

DEPARTMENT OF STATE,
Washington, D. C.

(1) Date of application.....

(2) Applicant's Reference No.....

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith regarding it.

(3) Name of applicant..... By.....
..... (Signature)
..... (Title)

(4) Consignee in foreign country	Name _____ Address _____ City _____	Nationality _____ State or province _____ Country _____
(5) Purchaser in foreign country	Name _____ Address _____ City _____	Nationality _____ State or province _____ Country _____

(6) Character of tin-plate scrap to be exported	(7) Number and type of containers	(8) Approximate weight	(9) Approximate value

(10) State the specific purpose for which the material is required:

(11) State the reason or reasons why the applicant wishes to export the tin-plate scrap referred to in this application rather than to sell it in the United States:

(12) License to be sent to _____ { Name _____
 Address: Street _____ City _____ State _____
 Name _____ Nationality _____
 (13) Consignor in United States _____ { Address: Street _____ City _____ State _____
 (Nature of business _____

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

Quantity	Value	Port of exit	Date	Name of officer

License is hereby granted to the applicant mentioned herein to export from the United States of America to _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is **subject to revocation without notice**.

Shipment must be made from port of exit within 4 months from date of this license as given below under the seal of the Department of State.

Date of license _____

(For official use only)

(When countersigned and impressed
with the seal of the Department of State,
this application becomes a license.)

(For official use only)

FOR THE SECRETARY OF STATE:

By _____
*Chief, Office of Arms and
Munitions Control.*

(4) On and after July 1, 1936, the Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap to applicants who have duly filled out the above form, when in the opinion of the National Munitions Control Board the issuance of such licenses may be consistent with the purposes of the act.

(5) The shipper's export declaration (customs form 7525) must contain the same information in regard to the nature and the value of the tin-plate scrap to be exported as that which appears on the application for license.

(6) Export licenses and export declarations covering tin-plate scrap must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel.



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